

**Raleigh Board of Adjustment
Decisions
April 10, 2017**

A-9-17, WHEREAS, Hedgehog Holdings, LLC, property owner, requests a 20 foot front yard setback variance from the Mordecai Neighborhood Conservation Overlay District requirements set forth in Section 5.4.3.F.8.a.v. of the Unified Development Ordinance to construct a detached house which results in a 15 foot front yard setback on a .18 acre property zoned Neighborhood Mixed-use 3 and Neighborhood Conservation Overlay District and located at 1128 North Blount Street.

Decision: Approved as requested.

A-33-17, WHEREAS, HML Management Company, property owner, requests a variance from the build-to requirements of Sections 1.5.6. and 3.2.4. of the Unified Development Ordinance in order to build an apartment building that is more than 55 feet from the right-of-way and does not occupy at least 35% of the side street build-to area on a 1.9 acre property zoned Residential Mixed-Use-3-Conditional Use and Swift Creek Watershed Protection Overlay District and located at 2109 Rannette Street.

Decision: Approved as requested.

A-42-17, WHEREAS, Martin Streicher and Paige Tharrington, property owners, request a Special Use Permit to operate a live-work business for licensed professional counseling pursuant to Sections 6.7.3.E. and 10.2.9. of the Unified Development Ordinance on a .30 acre property zoned Residential-6 and located at 902 Daniels Street.

Decision: Approved with the following conditions:

1. Permit limited to the Applicants
 - a. Only 1 licensed practitioner working on the premises
2. Hours of operation: 9:00 a.m. to 7:00 p.m., Monday through Friday
3. 1 small directional sign: "Office".

A-43-17, WHEREAS, Patricia Edgerton, property owner, requests a 7.5 foot front yard setback variance from the Five Points East Neighborhood Conservation Overlay District regulations set forth in Section 5.4.3.F.3.a. of the Unified Development Ordinance, a 5 foot rear yard setback variance pursuant to Section 2.2.1. of the Unified Development Ordinance and complete relief from providing the two off-street parking spaces required by Section 7.1.2. of the Unified Development Ordinance in order to construct a detached house with an 18 foot front yard setback, a 15 foot rear yard setback and no off-street parking on a .21 acre property zoned Residential-10 and Neighborhood Conservation Overlay District and located at 1519 Carson Street.

Decision: Deferred to the Board's May 8, 2017 meeting.

A-44-17, WHEREAS, Daniel Vacek, property owner, requests a .1 foot side yard setback variance and a 1.5 foot rear yard setback variance pursuant to Section 2.2.1 of the Unified Development Ordinance to construct a new detached house utilizing portions of the existing detached house's building footprint on a .48 acre parcel zoned Residential-4 and located at 1921 Banbury Road.

Decision: Approved as requested.

A-45-17, WHEREAS, Douglas and Pauline Hanthorn, property owners, request a 5.2 foot primary street setback variance from the Residential Infill Compatibility standards set forth in Section 2.2.7.C. of the Unified Development Ordinance in order to construct a new detached house utilizing the existing detached house's street setback which results in a detached house that has a 28.8 foot street setback that is 5.2 feet closer to the street than its comparative neighboring houses on a .27 acre parcel zoned Residential-4 and located at 5608 Old Forge Circle.

Decision: Approved as requested.

A-46-17, WHEREAS, TX Limited Partnership, property owners, request a special use permit pursuant to Sections 6.4.1.C. and 10.2.9. of the Unified Development Ordinance in order to allow a Day Care Center with up to 16 enrollees on a .29 acre parcel zoned Residential-6 and located at 824 Friar Tuck Road.

Decision: Approved with the following conditions:
1. Hours of operation: 7:00 a.m. to 11:00 p.m., Monday through Friday
2. Maximum number of enrollees: 16
3. C-2 street side yard buffers installed.

A-47-17, WHEREAS, Spell Grounds, LLC, property owners, request a 4 foot variance to the minimum lot depth requirement set forth in Section 2.2.1. of the Unified Development Ordinance in order to subdivide one lot into two detached house building lots which results in two 56 foot deep lots being created out of a .17 acre parcel zoned Residential-10 and Neighborhood Conservation Overlay District (South Park) located at 1117 South Person Street.

Decision: Continued to the Board's May 8, 2017 meeting.

A-48-17, WHEREAS, James Froelicher and Catharine Butler, property owners, request a 2 foot side setback to legalize the existing detached house as well as expand it in-line to the rear pursuant to Section 2.2.1 of the Unified Development Ordinance as well as complete relief from providing the two off-street parking spaces required by Section 7.1.2. of the Unified Development Ordinance which results in 2 foot side setback for the existing detached house and the proposed addition to the rear and no off-street parking on a .33 acre parcel zoned Residential-10 and Neighborhood Conservation Overlay District (Mordecai – Conservation District 2/East) located at 713 East Franklin Street.

Decision: Approved as requested.

A-49-17, WHEREAS, Kiser Plonk and Associates Construction, LLC, property owners, request a 1.7 foot side setback variance pursuant to Section 2.2.1. of the Unified Development Ordinance in order to legalize the existing detached house which is located on a .46 acre parcel zoned Residential-4 and Special Residential Parking Overlay District and located at 1310 Carolina Pines Avenue.

Decision: Approved as requested.

A-50-17, WHEREAS, Falls Office Partners, LLC & Dunn Investments, LLC, property owners, request a variance to Section 9.1.9.A. of the Unified Development Ordinance to reduce the forestation requirement area for the Urban Watershed Protection Overlay District down from 40% to 32.5% of the site as well as a variance to Section 9.1.9.A.1. of the Unified Development Ordinance to reduce the minimum contiguous gross land area for qualifying forestation areas from 1/5 of the required forestation area (.79 acres) to 1/11 of the required forestation area (0.37 acres) on a 9.79 acre property zoned Office Mixed-Use-4 Conditional Use and Urban Watershed Protection Overlay District and located at 11110 Falls of Neuse Road and a portion of 1590 Dunn Road.

Decision: Approved as requested.

A-51-17, A-52-17, & A-53-17, WHEREAS, Caraleigh Village, LLC, property owner, requests complete relief from the 3.5 foot side setback requirements for HVAC equipment set forth in Section 1.5.4.D.2.a. of the Unified Development Ordinance so that detached houses can be constructed with 0 foot side setbacks for HVAC equipment for each of the three .04 acre parcels zoned Planned Development and Special Highway Overlay District-2 and respectively located at 1607 Ella Wiggins Way, 607 Velma Hopkins Lane and 609 Maywood Avenue.

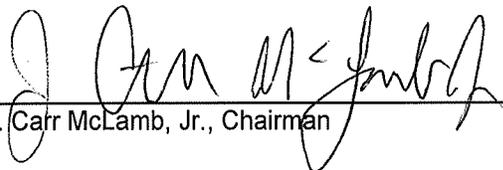
Decision: Deferred to the Board's May 8, 2017 meeting.

A-54-17, WHEREAS, Evergreen Construction Company, property owner, requests a 10 foot variance to the finished floor elevation required by Section 3.2.4.F.1. of the Unified Development Ordinance that results in an apartment building that is 8 feet lower than the average road curb elevation on a 2.29 acre parcel zoned Community Mixed-Use-3 Parkway frontage and located at 5000 Spring Forest Road.

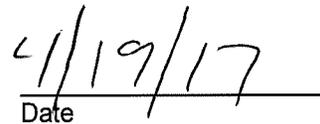
Decision: Approved as requested.

A-55-17, & A-56-17, WHEREAS, Tephra Development, LLC and Habitat Improvement, LLC, property owners, request as to each two recombined lots a 1 foot side setback variance, a 1 foot sum of side yard setbacks variance pursuant to Section 2.2.1. of the Unified Development Ordinance and a 10 foot variance to the minimum lot width requirements for the South Park Neighborhood Conservation Overlay District set forth in Section 5.4.3.F.15.c. of the Unified Development Ordinance to allow a two lot reconfiguration/recombination of two existing lots which results in two 30 foot wide lots with 4 foot minimum side setbacks and 9 foot sum of side setbacks for two detached houses, one per lot, on a .16 acre property zoned Residential-10 and Neighborhood Conservation Overlay District and located at 1103 and 1105 South Blount Street.

Decision: Approved as requested.



J. Carr McLamb, Jr., Chairman



Date